

Civil Writ Petition No. 1034(S/B) of 2002

Rajeshwar Prasad

.....

Petitioner

Vs.

U.P.Jal Nigam and two others

.....

Respondents

.....

Hon. P.C. Verma,J.

Hon. Irshad Hussain,J.

Heard Sri S.S. Chauhan, learned counsel for the petitioner.

The petitioner was working as Superintending Engineer in the U.P. Jal Nigam. He was posted at New Tehri. On 25.07.2002 by the impugned order he has been transferred to Gopeshwar. He challenged the same mainly on two grounds.

First contention is that the Chief Engineer, who has passed the order of transfer was not competent. This could be only by Chairman/Managing Director, Jal Nigam. Second contention is that the approval of the State Government was necessary for transfer of the petitioner.

Heard Sri D.S.Patni, learned counsel for the respondents. He has repelled both the contentions. Firstly, the transfer was ratified by the Jal Nigam. Secondly, final approval of the transfer has been sought from the State Government, which was issued in writing. As such the lacunae pointed does not vitiate the order. In view of this, we do not propose to entertain the petition.

Learned counsel for the petitioner finally urged that there are malal fides and the transfer was arranged only to accommodate some other person. According to us, this argument does not hold any substance since the order seeking approval of the State Government was ratified by the Corporation.

However, as requested the petitioner is at liberty to retain his official quarter at Tehri for a period of one month.

In the result, the petition is dismissed.

(Irshad Hussain, J.)

(P.C.Verma,J.)

26.09.2002

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